

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

BRUCE TETRAULT, ET AL,)	No. ED101254
)	
Plaintiffs/Appellant,)	Appeal from the Circuit Court of
)	the St. Louis County
vs.)	
)	Honorable Patrick Clifford
RONALD YANKOWSKI, ET AL.,)	
)	Filed: January 27, 2015
Defendants/Respondent.)	

Plaintiffs Bruce and Cheryl Tetrault appeal the judgment of the Circuit Court of St. Louis County in favor of defendants Antoinette Friesen and Ronald and Connie Yankowski.

REVERSED AND REMANDED.

DIVISION ONE HOLDS: The trial court's determination that the Tetraults' right to the easement road was extinguished by abandonment is not supported by substantial evidence. There is no evidence in the record of an act by the current or former owners of the Tetrault property that was so decisive and conclusive as to indicate a clear intent to permanently abandon the easement. Likewise, the trial court erred by concluding Friesen and the Yankowskis extinguished the Tetraults' right to the easement by adverse possession, because Friesen and the Yankowskis' use of the easement was not incompatible with the right of use possessed by the owners of the Tetrault property. We reverse the trial court's judgment that the Tetraults' right to use the easement road was extinguished by abandonment and adverse possession and remand for further proceedings consistent with this opinion.

Opinion by: Lisa S. Van Amburg, J.
Lawrence E. Mooney, P.J. and Clifford H. Ahrens, J. concur.

Attorney for Appellant: Timothy Ahrenhoersterbaeumer
Brian McGovern (co-counsel)
Attorney for Respondent: Richard Coughlin

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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